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EXAMINER

PHAN, MAN U

ART UNIT

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2619

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

1. The affidavit, exhibit or request for reconsideration has been considered but does not place the application in condition for allowance because:

Applicant's arguments are not persuasive. It's the examiner's position that the reference is applied herein for the teaching of a novel system and method for routing calls based on the network supporting the telephony terminal. As discussed in the previous office action, Hirsbrunner et al. (US#6,999,770) does in fact teach in Figs. 1-2 the block diagrams illustrated where selective hairpinning of a call through a communication network when the call is originated in another communication network can be implemented, and of a wireless communication unit arranged for facilitating selective hairpinning of a call in the system comprising: at least one communication interface; and a control system associated with the at least one communication interface (col. 5, line 25 to col. 6, line 8): determine a terminating address (i.e., target number) to which a call is to be initiated (col. 6, lines 15-40); determine whether the terminating address should be used to directly initiate the call (col. 12, lines 17-30); when the terminating address should be used to directly initiate the call, directly initiate the call using the terminating address (col. 12, lines 17-30); and send the terminating address to a service node, which will facilitate an indirect call process using the terminating address to establish the call (i.e., determining whether to hairpin the call or not based on the terminating address) (col. 8, lines 10-38).

The Applicant argues that there is no motivation to combine the references i.e., Hirsbrunner et al. (US#6,999,770) and Goodman et al. (US#7,099,306), as proposed in the

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Office Action. Both references are directed to a wireless communication unit arranged for facilitating selective hairpinning of a call in the system. It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose, the idea of combining them flows logically from their having been individually taught in the prior art. See MPEP 2144.06 and *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980).

The Applicant argues that the Examiner has not provided sufficient motivation to combine or modify the cited references. The Examiner notes that evidence of a suggestion, teaching, or motivation to combine prior art references may flow, inter alia, from the references themselves, the knowledge of one of ordinary skill in the art, or from the nature of the problem to be solved. See *In re Dembiczak*, 175 F.3d 994, 1000, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

The Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims 1-3, 12-16, 18-21 and 30-34, 36 are maintained in this office action. The final rejection mailed on January 16, 2008 is therefore maintained.

Mphan.

03/27/2008

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Primary Examiner, Art Unit 2619